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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,717	09/12/2003	Steven S. Homer	200312716-1	8243

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

EDWARDS, ANTHONY Q

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,717

Applicant(s)

HOMER ET AL.

Examiner

Anthony Q. Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on September 12, 2005, PROSECUTION IS HEREBY REOPENED. Applicant's arguments, see Appeal Brief, filed, with respect to the rejection(s) of claim(s) 1-27 have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent Application Publication No. US2003/0021083 to Landry et al.

Furthermore, the indicated allowability of claim 22 is withdrawn in view of the newly discovered reference(s) to Landry. Rejections based on the newly cited reference(s) follow, set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US2003/0021083 to Landry et al. ("Landry" hereinafter). Referring to claim 1, Landry discloses a computing system (see Figs. 6-9 and the corresponding specification), comprising a docking station (200) having a base (86), a carrier (216) separate from the base, and a nonlinear rigid mounting arm (204) mechanically connecting the base (86) to the carrier (216), wherein the mounting arm (204) has a first end (90) that pivotally connects to the base (86) and a second end (206) that pivotally connects to the carrier (216), an electronic display (88) removably connectable to the carrier (see paragraph 0047), and a keyboard (98) in communication with the display.

Referring to claim to claims 4 and 5, Landry disclose a computing system, wherein the mounting arm (204) is a single integrally formed member and has an elongated configuration with a generally curved portion and a generally straight portion, respectively. See Figs. 6 and 7.

Referring to claim 6, Landry disclose a computing system, wherein the mounting arm (204) is inherently hollow and electrically couples the base to the display when the display is connected to the carrier.

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Referring to claim 7, Landry disclose a computing system, wherein the display, while connected to the carrier, is movable between at least four different positions comprising a horizontal landscape position, a horizontal portrait position, an upright landscape position, and an upright portrait position. The horizontal positions are possible since the arm (204) can be extended and includes hinges (90) and (206) at it ends. See Figs. 6-8 and page 5, paragraph 0040.

Claims 8-11 and 13-25 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Landry. Referring to claim 8, Landry discloses a portable computer comprising a base (86) having a central processing unit and memory (see paragraph 0019), a display (88) having a screen, wherein the display is movable between a horizontal position with respect to the base (i.e., via arm 204, see paragraph 0034) and a vertical position with respect to the base (see Figs. 6 and 7), and an elongated mounting arm (204) mechanically and electrically coupling the display (88) to the base (86), wherein the mounting arm (204) has a first portion (i.e., top side) and a second portion (i.e., bottom side opposite top back side). Although Landry does not show the first portion (i.e., top side) of the arm horizontally supporting the display or the second portion (i.e., bottom side) of the arm vertically supporting the display above a support surface (i.e., location for placement of base in Figs. 6-9) see it would have been obvious to one of ordinary skill in the art at the time of the invention to position the arm and display of Landry as claimed to maximize the viewing range of the display.

Referring to claim 9, Landry discloses a portable computer, wherein the first portion is curved (i.e., the end of the top side) and the second portion is straight (i.e., near hinge 206). See Fig. 7.

Referring to claim 10, Figs. 6-9 of Landry show a portable computer, wherein the mounting arm (204) rotationally connects a first end to the base (at 90) and rotationally connects at a second end (at 206) to the display.

Referring to claim 11, Landry discloses a portable computer, wherein the base (86) inherently comprises a stop mechanism (not shown) to limit movement of the mounting arm (204) about the base while the display (88) is in the vertical position. See paragraph 0038.

Referring to claim 13, Landry discloses a method comprising providing a computer base (86) housing electronic components (see paragraph 0019), providing a computer display (88) inherently housing electronic components, mechanically attaching the base to the display with a curved mounting arm (204), and adjusting the display to a vertical position such that a center of gravity of the display is between a first pivot point at the base (i.e., about hinge 90) and a second pivot point at the display (i.e., at hinge 206). Although not specifically shown or disclosed, rotation of the display to the right in Fig. 6 would provide this adjustment as claimed. It would have been obvious to one of ordinary skill in the art at the time of the invention to position the arm and display of Landry as claimed to maximize the viewing range of the display.

Referring to claim 14, Landry discloses a method, further comprising forming an angle θ with a front surface of the display relative to a normal axis with the base, the angle θ being between 10 degrees and 40 degrees. See Fig. 7.

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Referring to claims 15-17, Landry discloses a method, further comprising adjusting the display (88) to a horizontal position so the display rests on a support surface (not numbered), and forming triangular contact locations with the display and support surface, and further comprising forming a first contact location in a first corner of the display (88), forming a second contact location in a second corner of the display, and forming a third contact location on the mounting arm (204), and further comprising forming a first contact location in a first corner of the display, forming a second contact location in a second corner of the display, and forming a third contact location on the base (86). Although not specifically shown, paragraphs 0034 and 0035 teach telescopic movement of the arm (204), which would allow for placement of the display contact points as claimed.

Referring to claim 18, Landry discloses a computing system, comprising a docking station comprising a base (86) supportable on a surface (not numbered, see Figs. 6-9) and housing electronic components (e), a carrier (216), and means for connecting (204) the base (86) to the carrier (216), a display (88) inherently housing electronic components and mechanically connected to the carrier (216) and electrically coupled to the base (86) through the means for connecting (204), wherein the display is supportable off the support surface and above the base ((see Figs. 6 and 7) such that a center of gravity of the display is between two different and parallel axes that pass through two different rotational locations and that are normal to a support surface supporting the base. As indicated above, rotation of the display to the right in Fig. 6 would provide this support as claimed.

Referring to claim 19, Landry discloses a computing system, wherein the means for connecting (204) provides a curved mechanical connection between the base and the carrier. See Figs. 6 and 7.

Referring to claim 20, Landry discloses a computing system, wherein the means for connecting (204) also provides a straight mechanical connection for supporting the display. See Figs. 6 and 7.

Referring to claim 21, Landry discloses a computing system, wherein the mounting arm has a curved portion that supports the display in a horizontal position and a straight portion that supports the display in a vertical position (see Figs. 6 and 7).

Referring to claim 22, Landry discloses a computing system, wherein the display (88) is able to abut the support surface (i.e., in front of base) and the first portion (i.e., top side of arm) when the display horizontally supported. Note the arm in Fig. 7 can be extended to this position (see paragraphs 0035 and 0035).

Referring to claim 23, Landry discloses a computing system, further comprising adjusting the display to a horizontal position such that the display is supported on the support surface and the curved mounting arm but not the computer base. Note: this can be accomplished by rotating the support (194) of the base (86) close to the base, and the extending the arm (204) to a far most position, beyond the base. See Fig. 7 and paragraphs 0035 and 0035.

Referring to claim 24, Landry discloses a computing system, further comprising adjusting the display to a horizontal position such that the display is supported on the support surface and the computer base but not the curved mounting arm. Note: this can also be accomplished by

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rotating the support (194) of the base (86) forward and the extending the arm (204), but not as far beyond the base. See Fig. 7 and paragraphs 0035 and 0035.

Referring to claim 25, Landry discloses a computing system, wherein the display is positioned off a support surface when the display is adjusted to the vertical position such that the center of gravity of the display is between the first pivot point at the base and the second pivot point at the display. Rotation of the display to the right in Fig. 6 would provide this adjustment as claimed.

Referring to claim 26, Landry discloses a computing system, wherein a first rotational location (90) is at one end of the means for connecting (204) and a second rotational location (206) is at an opposite end of the means for connecting. See Figs. 6 and 7.

Referring to claim 27, Landry discloses a computing system, wherein the means for connecting (204) has a straight portion (i.e., near hinge 206) able to abut the display in a vertical position and a curved portion (i.e., the end of the top side) able to abut the display in a horizontal position (see Fig. 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landry.

Referring to claim 2, Landry discloses a computing system, wherein the first end (90) pivots about the base with a first rotational force, the second end (206) pivots about the carrier with a

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second rotational force. See Figs. 6 and 7 and page 4, paragraph 0034 of Landry. Although not specifically disclosed, Landry inherently teaches the first rotation force being greater than the second rotational force, since more resistance would be required about the first pivot (90) than the second pivot (206), so that a user can tilt the display (88) at the second pivot (i.e., the pivot inherently having a lesser rotation force) without having to keep the display from falling or lowering about the first pivot (i.e. the pivot inherently having a greater rotational force).

Referring to claim 3, Landry discloses a computing system as claimed, except for the mounting arm having an S-shape in side view. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the rigid mounting arm of Landry to that of an S-shape in side view, since it has been held that mere changes in shape, absent persuasive evidence that the particular configuration of the claimed invention is significant, involves only routine skill in the art. *In re Daily*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landry in view U.S. Patent No. 6,219,681 to Hawkins et al. ("Hawkins" hereinafter). Landry inherently discloses the display (88) adapted to function as a view screen in both the horizontal and vertical positions, as indicated in Fig. 8, paragraph 0040. Landry does not specifically teach the display being used as a notepad while in the horizontal position. Hawkins teaches providing a combination laptop and pad computer (see Figs. 1 and 2), wherein the computer is utilized as a notepad while in the horizontal position (see col. 3, lines 40-66). It would have been obvious to one having ordinary skill in the art at the time of the invention to provide portable computer of Landry with a display usable as a notepad while in the horizontal position, as taught by Hawkins, since the

device of Hawkins would provide the portable computer of Landry with additional data input means beyond the keyboard.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,366,935 to Hawkins et al. discloses a combination laptop and pad computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 22, 2005
aqe


LYNN FEILD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800